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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,795	01/27/2004	Michael Blake Taylor	WWFSPA-01	4002
7590		10/04/2005	EXAMINER	
Michael Blake Taylor		AVERY, BRIDGET D		
1615 Charlotte Highway		ART UNIT		
Fairview, NC 28730		PAPER NUMBER		

3618

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,795

Applicant(s)

TAYLOR, MICHAEL BLAKE

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: it is suggested that the phrase "a versatile cart wherein an improvement comprises" be deleted from the claim. Appropriate correction is required.
2. Claims 2-10 are objected to because of the following informalities: in each of the claims, the number of which each claim depends should be in numerical form. For example, in claim 2, "one" should be changed to --1--; in claim 9, "eight" should be changed to --8--. Appropriate correction is required.
3. Claim 3 is objected to because of the following informalities: on line 1, "the extension of said..." should be changed to --said first means of extending said...-- for consistency. Appropriate correction is required.
4. Claim 12 is objected to because of the following informalities: the preamble of claim 12 describes a method, however, applicant has failed to recite method steps. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to a mere claiming of a use of a particular structure.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 6 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cordova (US Patent 5,769,431).

Cordova teaches a cart foldable from a compact storage condition into an open condition for transporting cargo comprising: (a) an elongated cart frame (74) formed of a plurality of spaced apart opposite side members (76, 124) of a predetermined cross-sectional shape; (b) a handle (78) of a predetermined cross-sectional shape extending from the top of said cart frame (74); (c) a cargo platform (122, 174) formed of a plurality of spaced apart opposite side members of a predetermined cross-sectional shape pivotally mounted to the lower part of said cart frame(74); (d) a first wheel means (120, 146) to move said cart, mounted near the bottom end of said cart frame (74); (e) the cart is versatile and further includes a first suspension means (162) for shock absorption where said cart can operate over extreme terrain while maintaining stability and control, as taught in column 4, lines 42-50. The cart includes a first means (160) of extending said first wheel means beyond said cart frame width increasing stability whereby said cart can operate across slopes without tipping over. The first suspension means (coil spring 162) is disposed between said wheel means and said cart frame. The first suspension means is disposed at an angle to enhance shock absorption (note, the spring 162 is positioned at an angle via support member 130). The first suspension means is disposed at is approximately forty-five degrees, as taught in column 8, lines 14-22. Re claim 12, a tire can be used in place of a wheel as taught in column 8, lines

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51-56.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Celli (US Patent 6,945,545) in view of Cordova ('431).

Celli teaches a cart similar to applicant's including a frame, a handle, wheels (8), means (40) of extending the wheels (8) and a shock absorber (70) positioned between the wheels and the frame.

Celli lacks the teaching of a pivotally mounted platform.

Cordova teaches a pivotally mounted platform.

Based on the teachings of Cordova, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to replace the platform of Celli with a pivotal platform to reduce the size of the cart for storage.

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordova ('431) in view of Lennon (US Patent 6,431,570).

Cordova teaches the features described above.

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Cordova lacks the teaching of a pneumatic means for shock absorption and the teaching of a rubber elastomeric means for shock absorption.

Lennon et al. teaches a rubber elastomeric means and a pneumatic means in column 5, lines 13-46.

Based on the teachings of Lennon et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to replace the spring of Cordova with a rubber elastomeric means or a pneumatic means to provide forces which damp the movement of the wheel relative to the frame.

8. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Celli ('545) and Cordova ('431), applied to claim 1 above, and further in view of Lennon (US Patent 6,431,570).

The combination of Celli and Cordova teach the features described above.

The combination of Celli and Cordova lack the teaching of a pneumatic means for shock absorption and the teaching of a rubber elastomeric means for shock absorption.

Lennon et al. teaches a rubber elastomeric means and a pneumatic means in column 5, lines 13-46.

Based on the teachings of Lennon et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to replace the spring of the combination of Celli and Cordova with a rubber elastomeric means or a pneumatic means to provide forces which damp the movement of the wheel relative to

the frame.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lindh et al. shows a collapsible golf cart.

Nelson shows a convertible trailer assembly.

Abrams shows a portable collapsible luggage carrier.

Kaiser, II shows a cooler caddy, and methods of constructing and utilizing the same.

Mortenson shows an automatically shifting stair climber structure for a repositionable hand truck.

Korona et al. shows an auxiliary wheel assembly.

Mortenson shows a repositionable hand truck.

Misawa shows a hand truck.

Crawford shows an unloader mechanism for a hand truck.

Crawford shows a hand truck with means for shifting center of gravity of load.

Zagwyn shows golf cart construction.

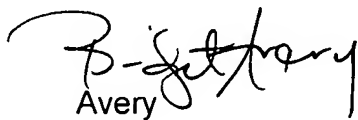
Major, Sr. shows a hand truck with pivoted wheel supports.

Millen shows a hand truck.

Love shows a caddy cart.

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10. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

September 26, 2005



CHRISTOPHER P. ELLIS
PATENT EXAMINER
TECHNOLOGY CENTER 3600